and constitutes an unwarranted interference with legitimate business, but because the provision which allows merchants or manufacturers to issue such stamps constitutes an arbitrary discrimination in favor of such persons. The Virginia statute (1897-8 p. 442) prohibiting the use of trading stamps was declared unconstitutional in *Young's Case*, 101 Va. 853.

ESTOPPEL TO PLEAD SPECIAL ACT.—A case which is rather peculiar because of the novelty of the contention that a person for whose benefit a special act was passed may be estopped to assert it is that of *Bray* v. *Williams*, 49 S. E. 887. The Code of North Carolina imposes a penalty on registers of deeds for failure to make a record of marriage licenses, and authorizes any person to sue for the penalty. After suit was brought against a register of deeds for failure to comply with this statute, defendant's attorney prepared a special act, which he gave to the county representative, and which plaintiff alleged was passed under an agreement that it was to be introduced and passed through its several readings on the same day, sent to the Senate and passed on the following day, so that plaintiff should have no time to be heard, and it was contended that these facts estopped defendant from claiming the benefit of the act. It was held, however, that as there was no misrepresentation of any fact to the General Assembly, and as it was not claimed that it was passed in violation of any constitutional provision, the principle of estoppel did not apply.

EMINENT DOMAIN—DAMAGES.—The defendant's contention that in assessing damages for the condemnation of a railroad right of way the plans and prospects of the owner of the land should be considered in enhancement of the damages gives rise to the case of *Dowie* v. *Chicago W & N. S. R. Co.*, 73 N. E. 354. The railway company condemned a strip of land within the limits of Zion City, and defendant Dowie (who, by the way, is the only person who owns any land in Zion City) contended that the facts that he had formed a great plan for the salvation and upbuilding of humanity, had formed a city of 10,000 population in some two years, and intended to gather there all of the 100,000 members of his church, should be considered in determining the value of the land. Other land in the immediate vicinity was worth only $200 an acre, while defendant claimed that owing to the facts mentioned his property was worth $13,000 an acre. It is, however, decided, that while every one has a right to entertain any religious belief he may see fit, this right does not carry with it any increased or additional property rights, and that the value of his property when taken for public use must be measured in the same manner as other property owned by other people in the same vicinity and similarly situated.

ATTACHMENTS—GROUNDS FOR—SEC. 2959, VA. CODE 1904.—The following decisions of the Supreme Court of West Virginia, construing sec. 1, Ch. 106, of the West Virginia Code, practically identical with sec. 2959 of our Code,

will be of interest to the profession, as these precise questions have not been decided in Virginia:

Grounds for attachment are conclusions of law. The grounds for an attachment are conclusions of law. The "material facts" which the statute requires affiant to state, are the allegations from which the court may be properly authorized to conclude that the grounds exist. *Delaplaine* v. *Armstrong*, 21 W. Va. 211; *Hale* v. *Donahue*, 25 W. Va. 415; *Landeman* v. *Wilson*, 29 W. Va. 702, 2 S. E. 203.

Should exist when attachment is sued out. The ground for an attachment should exist when it is sued out, and for this reason the time between the making of the affidavit and the issue of the attachment should not be unreasonable. The two acts need not be simultaneous, but done within a reasonable time, and what is a reasonable time is to be judged of by the situation of the parties. *Kesler* v. *Lapham*, 46 W. Va. 293, 33 S. E. 289.

Statement of grounds. Usually the plaintiff may allege as many distinct and separate grounds of attachment within the terms of the statute, as he deems expedient; but in so doing care must be taken that there is no inconsistency between the grounds stated, for that would introduce an element of uncertainty and indefiniteness in the affidavit which might vitiate the attachment. An affidavit alleging one or the other of two or more distinct grounds would be bad, because of the impossibility of determining which is relied upon to sustain the attachment. The several distinct statutory grounds or facts of different natures, if two or more of such grounds or facts are alleged, must be stated in the affidavit conjunctively and not disjunctively. But if the affidavit states two or more phases of the same fact or even different facts of the same nature, which constitute together but a single statutory ground for attachment, and does not unite two or more such grounds, they may be stated distinctively, and the affidavit will not be bad for that reason. Thus, when the language of the statute was "so absconds or conceals himself that the ordinary process of law can not be served on him" and the affidavit used the precise language of the statute, the court held it was sufficient. *Sandheger* v. *Hosey*, 26 W. Va. 211. An affidavit for attachment which states as the ground for the order that "defendant has property or rights of action which he conceals" is sufficient. notwithstanding the disjunctive "or" is used, it being apparent that but one ground of attachment is alleged under the statute. *Sandheger* v. *Hosey*, 26 W. Va. 211.

Where an affidavit contains two grounds for attachment, one good and one bad, it is sufficient. *Delaplain* v. *Rogers*, 29 W. Va. 782, 2 S. E. 800; *Ruhl* v. *Rogers*, 29 W. Va. 799, 2 S. E. 789; *Shattuck* v *Knight*, 25 W. Va. 590. For other West Virginia decisions construing this section, see Justis' Annotations to Code of West Virginia, sec. 1, Ch. 106.